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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,136	09/12/2003	Sheldon Margolis	OAKS-0004	7749

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EXAMINER

TRAIL, ALLYSON NEEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,136	Applicant(s) MARGOLIS, SHELDON	
	Examiner Allyson N. Trail	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continuing Data

1. This application is a Continuation in Part of application 09/561,140 filed April 28, 2000, which is now abandoned.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Manduley (2004/0215582).

Manduley teaches the following in regards to claims 1, 12, and 13:

“The present invention relates generally to a value metering system and, more particularly, to a postage meter having a digital print head to print a pattern of substrates one line at a time.” (Paragraph 0001).

“Manually-activated postage meters are well-known in the art. Typically, an envelope or a tape is manually fed under a print head for printing an indicium thereon. The print head is fixedly mounted in the postage meter, and a sensing device is used to sense the presence of the envelope under the print head. In order to print the indicium with minimum distortion, the speed of the envelope must be controlled to match the print

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speed of the print head. Thus, some mechanism must be used to synchronize the movement of the envelope to the print head.” (Paragraph 0002).

“Preferably, the substrate is manually displaced, but it is possible that the substrate is displaced by a movement device.” (Paragraph 0009).

“Preferably, the method further comprises the step of providing a second signal indicative of the displacement of the substrate by the predetermined distance for causing the print head to print the next line, wherein the predetermined distance is substantially equal to the width of the lines or proportional to the width of the lines.” (Paragraph 0015).

Manduley teaches the following in regards to claims 2, 3, and 14:

“The general principle of synchronizing the print speed and the movement of the substrate, according to the present invention, is shown in FIG. 1. As shown, synchronization system 1 includes mainly four components: print head 2, print-head control 4, movement restraining means 6 and sensor 8.” With all components being synchronized, the speed of the envelope or substrate must be communicated with the controller. (Paragraph 0037).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manduley (2004/0215582) in view of Austin et al (5,781,708).

Manduley's teachings are discussed above. Manduley fails to teach controlling the printing speed of the print head based on a speed designated by a user interface.

Austin et al teaches the following in regards to claim 4:

"The user can also adjust printer operating parameters using the command sheet 136. For example, the command sheet 136 illustrated in FIG. 3B contains bar codes 140 which are used to adjust printer operating parameters such as print speed, print head pressure, and burn time." (Col. 7, lines 25-29).

In view of Austin et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to adjust the printing speed as disclosed by Austin et al in the postage meter apparatus taught by Manduley. Manduley teaches above, synchronizing the speed of the envelope and the print speed of the print head. One would be motivated to include an option for the user of the postage meter to designate the specific desired printer speed as disclosed by Austin et al. Including a backup user interface option for adjusting the printer speed would be beneficial in order to ensure that the envelope speed and the printer head speed are synchronized in case the automatic synchronization technique fails.

6. Claims 5, 9-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manduley (2004/0215582) in view of Lord et al (2004/0215581).

Manduley's teachings are discussed above. Manduley fails to teach the controller comprising a computer card, a computer for indicating a postage amount,

receiving a postage amount via a network, and lastly, printing postage indicia on the envelope without a local postage meter.

Lord et al teaches the following in regards to claims 5, 10, and 15:

"Postage stamps are dispensed by receiving payment from a customer for a postage value at a point of sale terminal. The point of sale terminal requests and receives an authorization key from an authorization system." (Abstract).

"POS terminal 110 and authorization/verification system 120 may communicate via a connection 115. POS terminal 110 and authorization/verification system 120 may each comprise a modem, network interface card, or any other interface (e.g. a higher-speed cable or DSL modem or ISDN terminal adapter) to adapt the point of sale terminal 110 and authorization/verification system 120 to the connection 115." (Paragraph 0023).

Lord et al teaches the following in regards to claims 9-11 and 15:

"The postage value may be based on the amount of postage required to mail the product. For example, a customer may approach POS terminal 110 to purchase a greeting card. After the greeting card is scanned to determine the product identification number, the postage value may be determined by retrieving the postage value corresponding to the product identification number. This postage value may equal the postage value required to mail the greeting card." (Paragraph 0044).

In view of Lord et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the postage apparatus taught by Manduley be connected to a network via a computer and a network card as taught

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by Lord et al. Manduley teaches above, printing postage on envelopes. Calculating the appropriate postage amount is not taught however. One would be motivated to connect the postage apparatus taught by Manduley to a network in order to easily and accurately determine the needed postage for various sized envelopes and items to be sent in the mail.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manduley (2004/0215582) in view of Eisner et al (5,326,181).

Manduley's teachings are discussed above. Manduley fails to teach the printer including a plurality of print heads.

Eisner et al teaches the following in regards to claim 6:

"An envelope feeding and printing assembly providing for the individual, lengthwise feeding of envelopes and enabling printing thereon while said envelopes are in motion, including a plurality of print heads and a platen for imprinting the envelopes..."

"... The print heads are non-sequential and staggered to permit closer line spacing and "start times" of individual lines adjusted accordingly." (Abstract).

In view of Eisner et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of print heads as taught by Eisner et al in combination with the postage apparatus taught by Manduley. One would be motivated to include a plurality of printer heads for the purpose, (as explained above by Eisner et al) of allowing for both closer line spacing and for adjusting different print start times for individual lines. Additionally one would be

motivated to include multiple print heads in order to speed up the process of printing indicium on the envelope.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manduley (2004/0215582) in view of DeWitt et al (6,613,998).

Manduley's teachings are discussed above. Manduley additionally teaches figure 2, which illustrates printing information based indicia and address information on the envelope. Manduley however, fails to teach printing on the envelope the information based indicia and address information together with coding such as bar coding. Manduley additionally fails to teach reducing the postage rate by confirming that an approved bar code exists on the envelope.

Dewitt et al teaches the following in regards to claims 7 and 8:

"Bulk mail accounts for a significant portion of the mail delivered by the United States Postal Service. The post office offers reduced postage rates for mail that is pre-processed. Essentially, the United States Postal Service charges less postage if the sender makes it easier for the post office to deliver the mail. To qualify for reduced rates, the processed mail must meet certain criteria set forth in various postal regulations. These criteria include the features such as printing the POSTNET barcode on the pieces of mail and ensuring that the pieces have a clear zone that is free of printing." (Col. 1, lines 14-24).

In view of DeWitt et al's teachings it would have been obvious to one of ordinary skill in the art at the time the invention was made to include address information on the envelope as shown by Manduley together with the approved bar coding as disclosed by

DeWitt et al. Placing a bar code on envelopes to be mailed is well known in the art. One would be motivated to include a bar code in addition to address information in order to include a plurality of information stored in the bar code that is relevant to sender or the receiver of the mailed envelope. Also as disclosed by DeWitt et al, one would be motivated to reduce the postage rate if the bar code information is accurate in order to increase the speed of processing mail that is to be delivered.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Dolan et al (6,816,845), Freeman et al (6,832,213), Ballurkar et al (2004/0010477), Elliott (2004/0215583), and Shah et al (6,240,403).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file.

PTO employees do not engage in Internet communications where there exists a

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possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Allyson N. Trail
Patent Examiner
Art Unit 2876
March 29, 2005

Jared J. Furman
JARED J. FURMAN
PRIMARY EXAMINER